Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 18	
Bill #: HB 70 GA	
Bill Subject/Title:	AN ACT proposing an amendment to Section 145 of the Constitution of Kentucky relating to persons entitled to vote.
Sponsor: Representative Darryl T. Owens	
Unit of Government:	City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted:	County Clerks
Requirement: X Mandatory Optional	
Effect on Powers & Duties:	Modifies Existing X Adds New X Eliminates Existing

Part II: Purpose and Mechanics

HB 70 GA proposes to submit an amendment to Section 145 of the Kentucky Constitution to the voters for ratification. The constitutional amendment would allow those convicted of a felony (excluding sex offenses and/or murder not done under the influence of extreme emotional disturbance for which there exists a reasonable explanation or excuse) automatic restoration of voting rights without having to apply to the Governor after completion of prison, parole, or probation.

According to data from The Sentencing Project's "State-Level Estimates of Felon Disenfranchisement in the United States, 2010"; there are approximately 180,984 convicted felons in Kentucky who have served their sentences but are without voting rights (at times 243,842 will be quoted; however, that number includes prisoners, parolees, and those on probation).

Updated data as of November, 2014, from the Kentucky Department of Corrections (DOC) denotes 208,455 convicted felons who have served their sentences but are without voting rights (289,681 convicted felons including prisoners, parolees, and those on probation). Of the 208,455 convicted felons, 9,140 would be disqualified under the

provisions excluding sex offenses and/or murder not done under the influence of extreme emotional disturbance for which there exists a reasonable explanation or excuse.

It is not known how many of these individuals would register to vote, *if voters ratify the proposed constitutional amendment*. Over the last five years, the maximum number of civil rights restoration (defined by KRS 196.045 as the ability to vote, serve on a jury, obtain a professional or vocational license, and hold an elective office) applications by felony offenders to the Governor was 1,465 per annum with an approximate acceptance rate of 80%.

HB 70 GA also removes language forbidding "Idiots and insane persons" from voting.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The costs of HB 70 GA to local governments due to adding a constitutional amendment to a ballot would be minimal.

According to Harp Enterprises, a vendor that provides electronic voting machines to 97 Kentucky counties, there are additional programming costs associated with adding a new category to the ballot on an already scheduled statewide election. For example, the cost to add a new category to the ballot for Lexington-Fayette Urban County Government, with 291 precincts, is estimated to be between \$3,000 and \$4,000, and for Franklin County, with 44 precincts, the cost is estimated to be between \$1,250 and \$2,000.

If voters ratify the constitutional amendment, County Clerks anticipate minimal, if any, additional costs associated with new voter registrations

Data Source(s): LRC Staff, Kentucky Department of Corrections (DOC), Harp Enterprises,

The Sentencing Project's "State-Level Estimates of Felon

<u>Disenfranchisement in the United States, 2010", The League of Women Voters of Kentucky's "Felony Disenfranchisement in the Commonwealth</u>

of Kentucky", Kentucky County Clerks Association

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 2/5/16